

# Governing potential: Biopolitical incorporation and the German 'open-door' refugee and migration policy

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## Abstract

Many scholars of International Political Sociology have turned to biopolitics in their attempts to understand the 'European migration/refugee crisis' which has unfolded in and around the Mediterranean Sea in the last several years. This article makes an intervention into this debate by suggesting a new means of understanding the biopolitics of migration and refugee management, based on a detailed consideration of the role of *potentiality* in biopolitical governance. After first discussing current understandings of potentiality within biopolitical literatures, and the analyses of migration and refugee governance they suggest, the article engages in a reading of Agamben's recent work *The Use of Bodies* in order to develop a new understanding of life's potential within biopolitical logics as potential towards the 'correct use' of bodies. This allows for a focus on biopolitical practices of *incorporation* and *inclusion* which goes beyond analyses of the acts of securitisation, exclusion or abandonment that only partially characterise reactions to the movement of people across the Mediterranean Sea. This understanding is then employed to provide fresh insights into the defining response to the 'European migration/refugee crisis': the 'open-door' migration and refugee policy pursued by the German government under Chancellor Angela Merkel from the summer of 2015 onwards.

**Key words:** Biopolitics; potential; migrants and refugees; Agamben; German 'open-door' policy.

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## Introduction

In late August 2015, as concern over the 'European migration/refugee crisis'<sup>1</sup> in and around the Mediterranean Sea reached its peak, the German government announced they were no longer sending back Syrian refugees to the first European Union (EU) country they arrived in (Deutsche Welle 2015). In a context of the failure of EU leaders to agree a quota system for the distribution of refugees across Member States, and Hungarian Prime Minister Viktor Orbán's calls for the construction of border fences to stem the flow of people, Merkel acted in concert with Austrian Chancellor Werner Faymann to actively transport refugees who had been stranded in Hungary into Germany on trains and buses (Thym 2016, 1549). While Merkel may have gauged that public opinion was broadly in support of such a move, particularly after the positive reaction among activists and civil society groups to the arrival of refugees in Munich on August 31, the decision caused tension between Merkel's Christian Democratic Union and their Bavarian sister party, the Christian Social Democrats, as well as leading to an upsurge in support for the anti-immigrant Alternative für Deutschland (AfD) party, which gained its first seats in the Bundestag in September 2017 (BBC News 2017). When the government chose not to attempt to reintroduce border controls on September 13, what had already become known as the 'open-door' or 'open-border' migration and refugee policy<sup>2</sup> became formalised, framed around the slogan 'We can do it', taken from Merkel's summer press conference on August 31, 2015 (Spiegel Online 2016).

The decision to accept hundreds of thousands of people in the months and years following August 2015 has been interpreted in numerous different ways. While some popular accounts focus on the personal history and convictions of Merkel herself<sup>3</sup>, others highlight her lack of options in the face of the sheer number of people on the move at that time. From this latter perspective, the mobility of migrants and refugees drove Merkel's decision by demonstrating the impossibility of 'closing' the German border, rather than Merkel taking a proactive decision to 'open' the border to let people in<sup>4</sup>. While recognising the reactive nature of the decision, the policy can also be as driven by self-

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<sup>1</sup> I use this term, and in parentheses, to highlight the debates that have taken place in media, political and academic circles over the appropriate terminology for referring to these events. For a discussion of this see Allen et al 2018.

<sup>2</sup> According to Thym (2016, 1549), the event was celebrated on German television 'as the "Grenzöffnung" (border opening) in a semantic reference to the fall of the Berlin wall'.

<sup>3</sup> In naming her 'person of the year' in 2015, Time Magazine made numerous references to Merkel's experience of growing up surrounded by barriers and walls in the German Democratic Republic. See Vick and Shuster 2015.

<sup>4</sup> Merkel acknowledged this in her speech in the European Parliament on October 7, 2016, when she declared that the 'Dublin Conventions', which govern the processing of asylum seekers in the EU, had become 'obsolete' – see Thym 2016, 1549.

interest, with the German government seeking the human resources needed to drive the German economy and generate the tax revenues necessary to maintain the welfare system in the context of an ageing population (Mavelli 2017, 20-21). From such a perspective, those arriving in Germany have had their *biological* existence secured through the offer of a route and destination as they seek to flee war and endure the perils of travel across land and sea, in order to include them in *political calculations* on socio-economic policy. This decision can therefore be understood through the terms 'biopower' and 'biopolitics' that are familiar to many scholars of International Political Sociology (IPS).

The central contention of this article is that a subtle change of emphasis in our understandings of the role of potential within biopolitics is needed if this analytical category is to provide critical purchase on the German 'open-door' policy. This distinct understanding will be constructed in relation to two dominant readings of biopolitics and potential within IPS: the 'biopolitics of security' literature, in which the potential targeted by security governance is seen primarily as a potential threat or danger that must be restrained and controlled if life's productive potential is to flourish; and the Giorgio Agamben-inspired literature in which the sovereign governance of life is seen to function through its potential ability to render life into an actual condition of bare life. While recognising the value of these understandings of potential for analysing the securitisation or abandonment of migrants and refugees at the 'borders' of Europe, the main aim of this article is not to engage with the rich and productive literature on the governance of mobility in border zones such as the Mediterranean Sea, but to focus attention on the practices of *incorporation* and *inclusion* enacted on those who *have* made the journey to Europe and escaped sovereign capture within humanitarian governance regimes (Pallister-Wilkins 2017).

To achieve this, the article will develop an alternative means of conceptualising potential, as a politically-determined condition seen as residing *within* populations targeted for incorporation and inclusion *into* European space. Furthermore, these populations will be seen as being governed on the basis that this potential, *alongside* the potential to be otherwise, *remains within them*. Drawing upon the notion of 'correct use', as found in Agamben's recent text *The Use of Bodies*, I will view potential within biopolitics as a potential *normality* or *productivity* that biopolitical governance seeks to *guide* and *manage*. The development and deployment of an understanding of potential as potential towards 'correct use' will allow for the central contribution of the article. When potential is conceived in this way, the German 'open-door' policy can be understood as a biopolitical act of incorporation, and opportunities are opened up to analyse and critique the political calculations which produce certain migrant and refugee bodies as potentially compatible with the German population. This will be shown to provide a subtle distinction and advancement from both the

literatures on biopolitics and potential that the article considers: moving from the potential threat which contains productive potential of the 'biopolitics of security' literature, to a *productive potential which contains threat*; and moving from governing through the potential to produce an actual condition of excluded bare life, to governing life on the basis that it *remains potentially includable*. While this may seem like a minor change in emphasis, I will argue that it has major consequences for analysing the German 'open-door' policy as a form of biopolitical governance of those migrants and refugees marked for incorporation, and not just as a mechanism for biopolitically regulating 'host' populations *through* the governance of migrants and refugees<sup>5</sup>. This will also allow us to interrogate and contest the *politics* of this *biopolitics*, by focusing attention on how this biopolitical governance operates through *active processes of incorporation and inclusion*, based on political calculations about what life is capable of inclusion and what is not, that goes beyond processes of securitisation and abandonment<sup>6</sup>.

This argument will unfold across the three sections of the article. The first section will restate Michel Foucault's understanding of biopower and biopolitics by underlining his key concepts of security and circulation, and discuss how the Foucauldian-inspired accounts configure potentiality as tied to danger and threat, engendering a focus on the securitising and exclusionary practices of migration and refugee governance. The second section will articulate the centrality of potential to Agamben's understanding of biopolitics as the sovereign production of a bare life that may be exposed to death, which has been employed to analyse the acts of abandonment that have led to many thousands of deaths in the Mediterranean Sea. The third section will turn to a novel reading of Agamben's *The Use of Bodies*, in order to put forward a reconfiguration of life's potential within biopolitics as potential towards 'correct use', which will allow for an analysis of German migrant and refugee integration policy as a biopolitical governance strategy operating on bodies seen as potentially compatible with the German population. The conclusion will mark-out the new empirical and theoretical avenues of research opened-up by this reconfiguration of potential within biopolitics.

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<sup>5</sup> A version of this latter argument has been made by Mavelli (2017), who argues that the UK and German decisions to accept Syrian refugees in 2015 was an act of biopolitical care of the host populations *through* the humanitarian governance of refugees.

<sup>6</sup> This focus on political calculations also goes beyond the 'humanitarian government' literature (Fassin 2007; Williams 2015) that discusses the inclusion of refugees as an act of care or compassion targeted at their biological being, and thus a form of government that avoids 'political' questions about the validity of asylum claims. Rather than a focus on humanitarian government, I am interested in what transpires *after* people have passed through the 'humanitarian borders' (Aradau 2004; Garelli and Tazzioli 2017) where dual practices of care and control are enacted on populations seen as simultaneously 'risky subjects' and 'subjects at risk'.

## Biopolitics, security and potential as danger and threat

As is widely known, Foucault introduced the terms 'biopower' and 'biopolitics' through his studies of Western political power's growing awareness of life in the 18th and 19th Centuries. 'Biopower' describes the 'the set of mechanisms through which the basic biological features of the human species become the object of a political strategy' (Foucault 2007, 1), through political calculations which have 'made knowledge-power an agent of transformation of human life' (Foucault 1990, 143), while 'biopolitics' refers to the 'series of interventions and *regulatory controls*' designed to normalise and maintain the population of living beings constructed as the object and subject of biopower (Foucault 1990, 139, emphasis in original). While it is unnecessary to engage in a detailed exploration of the development of these terms in Foucault's writings, I will highlight the key role that ideas of *security* and *circulation* play in Foucault's understanding of biopolitics. It will be argued that these concepts have been developed by certain scholars of biopolitics into an approach which views potential from a perspective of *danger* or *threat*, and thus one that cannot recognise the biopolitics of the decisions taken by the Merkel government since 2015.

### *Foucault, security, circulation*

For Foucault (2003, 246), one of the most important manners in which biopolitics operates to govern human beings is through the 'security mechanisms' which proliferate around the 'random element inherent in a population of living beings so as to optimize a state of life'. In this understanding, biopolitics operates as an apparatus or *dispositif* of security attempting to regulate and direct a series of possible events produced through the interaction of individuals and populations within a given environment or *milieu*. Central to the operation of this security *dispositif*, for Foucault, is the management of circulation by 'eliminating its dangerous elements, making a division between good and bad circulation, and maximising the good circulation by diminishing the bad', in order to produce the circulatory environment most conducive to the flourishing of the 'multiplicity of individuals' who are 'biologically bound to the materiality' of the *milieu* within which they reside (Foucault 2007, 18-21).

Applying this understanding of biopolitics, as the attempt to secure circulation, to migration and refugee governance results in analyses that focus on the attempts to allow 'good' circulation to move freely while 'bad' circulation is disrupted or disallowed (Aradau and Blanke 2010; Schwenken and Russ-Sattar 2014). The Foucauldian conception of the management of circulation through security mechanisms therefore situates migration governance within an 'open' system where goods and bodies are tracked while in motion in order allow some to move freely, some to be slowed or disrupted and others to be stopped from moving altogether. This 'open' conception of security

represents a move away from 'prophylactic' models of securing territorially-demarcated borders, and introduces a greater degree of complexity into security governance which, for Foucault, means that biopolitical security mechanisms operate in a realm of calculation and probability. As Foucault (2007, 6, 20) puts it, 'the apparatus of security inserts the phenomenon in question... within a series of probable events', with the 'specific space of security refer[ing] to a series of possible events; it refers to the temporal and the uncertain'. Biopolitics thus operates 'entirely in the strategic field of possibility' (Evans 2010) by calculating probabilities in order to minimise potential risk and maximise potential benefit. The question of how possibility or *potentiality* functions within and through the discourses of biopower is thus central to understanding this form of power/knowledge and the governmental rationalities it engenders.

#### *Potential and the 'biopolitics of security'*

One group of scholars that have done much to update and apply this understanding to contemporary IPS are those who have engaged in extensive research on the 'biopolitics of security'. Central to this literature are Foucault's (2007, 48) arguments that biopolitics governs through freedom, with freedom being 'nothing else but the correlative of the deployment of apparatuses of security', and his identification of biopolitics with a liberal 'culture of danger' through which liberal subjects are 'conditioned to experience their situation, their life, their present, and their future as containing danger' (Foucault 2008, 66-67). These aspects of Foucault's thought have been re-interpreted by scholars such as Michael Dillon, Luis Lobo-Guerrero and Julian Reid, in light of scientific understandings of life as pluripotent and in a continual process of emergence due to the complex and adaptive interactions with its *milieu* (Dillon and Reid 2009, 55-77; Dillon and Lobo-Guerrero 2009, 7-13), in order to develop an understanding of biopolitics as a security discourse within liberal societies that takes as its referent object life conceived as radically *contingent*. Contingent in this sense refers to the ability of biological life, at the molecular level, to develop and adapt in uncertain and unknowable ways. Such understandings from the life sciences are seen as impacting on contemporary security strategies, transforming them into a practice of 'governing through contingency' (Dillon 2007b). Uncertainty and adaptability are the key registers through which life is configured by biopolitical governance, according to these scholars, with biopolitical security mechanisms operating to further 'the continuous governmental management of uncertainty in liberal regimes of power' (Dillon 2007b, 46).

The framing of biopolitics through scientific understandings of life as contingent and radically undetermined has various consequences for the way in which Foucault's understanding of biopolitics is taken forward within the 'biopolitics of security' literature. While Foucault conceived of

liberal biopolitical governance as operating around understandings of life as ‘natural processes of self-regulation that must be both respected (left alone) and protected (secured)’ (Blencowe 2010, 118), the ‘biopolitics of security’ approach translates this through a contemporary scientific imaginary into a preoccupation with uncertainty, danger and threat. This is due to the manner in which this literature foregrounds scientific understandings of life in their accounts of transformations in security practices (Dillon 2015, 186). Life conceived of as contingent and adaptable is seen as always containing both the potential to adapt to biopolitical governance, and the potential to *threaten* it. This *potential to become dangerous* means that life must be constantly assayed, its ‘properties, propensities and potentialities’ evaluated ‘for those properties that aid life development and those that may inhibit life development’ (Dillon and Lobo-Guerrero 2009, 6). It is the very contingency of life that may be productively harnessed that makes life potentially threatening – as Dillon (2007a, 24) states, it ‘is not what a body is that makes it biopolitically a threat... but what a body might potentially become’. The potential of life conceived of as contingent and pluripotent is therefore configured in this literature as a radical uncertainty that is always imbued with a possibility of developing in ways threatening or dangerous to biopolitical governance. When potential danger is an inherent condition of life, biopolitics becomes an active securitisation of populations in order to secure life from its own *potential to become dangerous*, or of being threatened by life that has already become dangerous. Even the production of bodies which reproduce or exceed the norms of biopolitical governance is inherently tied in this literature to the need to secure populations from the threat of potentially dangerous life (Dillon 2015, 198). In other words, the productive or normalising potential of life is unleashed in this conceptualisation by practices which secure life from its own potential to become dangerous. This is a double-sided vision of potential as both threatening and non-threatening, but the emphasis on uncertainty, taken from the scientific understanding of life’s pluripotency, translates this into a preoccupation with danger and threat.

This understanding of life’s potential as radical contingency and uncertainty provides conceptual tools to understand the securitising manoeuvres which have separated migrants and refugees in Europe from the ‘home’ populations due to their being identified with security, economic or cultural threats (Mavelli 2017). This understanding of life’s potential also provides a means to analyse the practices of marginalisation and suspicion that this securitisation has enabled and produced, including the exclusionary and dehumanising practices of confinement, surveillance and classification that those arriving in Europe in recent years have been subjected to (Pallister-Wilkins 2015; Pinelli 2015). What it *cannot* do, however, is provide critical purchase on the biopolitics behind the German ‘open-door’ policy, whereby an *active* operation to *include* persons within the German

population was undertaken. According to a logic in which uncertainty foregrounds potential danger and threat (even if also containing the potential to be safe or productive), the decision to allow hundreds of thousands of people to claim asylum within Germany would represent an unacceptable exposure of the German population to potentially-threatening and dangerous persons. Of course, this argument has been made by many in Germany, particularly by right-wing groups and movements such as AfD and Pegida (Deutsche Welle 2017; Goulard 2016), whose messages have resonated with many German voters in the light of sexual and terrorist attacks in Germany attributed to refugees and immigrant communities since 2016.

One response to the 'open-door' policy could therefore be to say that it represented an anomaly or counter-point to the biopoliticisation of politics in Europe, an example of a more robustly 'humanitarian' politics of openness to those fleeing danger, or the technical acceptance of obligations under international refugee law that cannot be captured by the logics of biopower. The argument developed over the subsequent two sections of this article will show, however, that a critique of the biopolitical calculations behind this policy *can* be developed, but only when the logics of potentiality within biopower are recalibrated. This will be done not to dispute the double-sided nature of potential as conceived by the 'biopolitics of security' literature, in which potential danger is secured in order to allow productive potential to flourish, nor to discount the value of this literature for understanding contemporary security practices. Instead, I will suggest a change of emphasis which foregrounds *political* over *scientific* understandings of life, and one which seeks to develop the conceptual tools needed to account for changes in *political practice*, rather than determining the logics of governance mechanisms from epistemic developments. My approach will retain a double-sided understanding of potential, but focus attention on the unleashing and guiding of a productive potential that is seen as simultaneously containing potential danger or threat. However, I will first introduce in the next section an alternative account of the potential of life within biopolitical governance, developed from Agamben's *Homo Sacer* series, which will set the ground for the novel reading of potential in the third section as potential towards 'correct use', which will be utilised to analyse the German 'open-door' migrant and refugee policy.

### **Agamben, bare life and potential as death**

Agamben's *Homo Sacer* series has inspired a range of scholars to re-articulate Foucault's notion of biopolitics, largely through engaging with Agamben's provocative argument that sovereign power has always been biopolitical due to its production of 'bare life' by dividing 'natural life' from 'politically-qualified' life. For Agamben (1998, 37), life is tied to sovereign power through an *inclusive*



*exclusion* enacted through the sovereign ban, which represents ‘the originary inclusion of the living in the sphere of law’ (Agamben 1998, 26-28). The type of life produced by the sovereign act of abandonment is what Agamben (1998, 90) calls ‘bare life’ – ‘the zone of indistinction in which *zoē* [the natural, biological qualities of life] and *bios* [the political qualities of life] constitute each other in including and excluding each other’. As it exists on a threshold between politically-qualified life and natural life, bare life is *both* of these, and *neither* of these, *simultaneously*. It exists in a zone of indistinction between and around the two forms of life, meaning it can be excluded from the political community – purged of its *bios* – and excluded from life in general – purged of its *zoē*, *killed*.

Central to Agamben’s development of this understanding of the biopolitical production of bare life through acts of sovereign abandonment is his reading of Aristotle’s work on potentiality and act. As Agamben (2015, 59) recounts, Aristotle sought to maintain a distinction between potential and act, and thus ‘assure to potential some reality’, in order to argue against those who believed potentiality only existed in the act. Yet by introducing this division Aristotle requires ‘something that articulates and renders possible the passage’ from potentiality to actuality (Agamben 2015, 59). This in turn requires dividing potential into a ‘generic’ and an ‘existing’ form of potential: the former being the potential of a child to master any skill by the time they have become an adult (e.g. to become a poet); and the latter being the potential that belongs to someone who already possesses a particular skill (e.g. a poet’s potential to compose a poem). Aristotle introduces the notion of ‘habit’ to describe the ‘form in which potential exists and is given reality as such’ (Agamben 2015, 59), which requires existing potential to combine both the potential to do something and *not* do that thing (e.g. the poet has the potential to compose and not to compose a poem). For Agamben (2015, 59-60) this further division of potential (to do) from *impotential* (to not do) enters a new aporia, leading him to ask: ‘if in every potential-habit there irreducibly inheres a potential not to pass to the act, how will it be possible to lead it to this passage?’

This is where the political importance of this discussion of potential and impotential becomes apparent. In order to resolve this aporia Aristotle argues there must ‘be a *sovereign* element that is in a position to decide the potential in one direction or the other’ (Agamben 2015, 61, emphasis added). This is the basis, for Agamben, of the sovereign decision on the exception, on the sovereign abandonment of bare life through an inclusive exclusion. As Agamben states in *Homo Sacer* (1998, 46), ‘in thus describing the most authentic nature of potentiality, Aristotle actually bequeathed the paradigm of sovereignty to Western philosophy’ in that ‘an act is sovereign when it realizes itself by simply taking away its own potentiality not to be, letting itself be, giving itself to itself’. In this way the sovereign decision operates as an annulment of impotentiality, of the possibility to not be, in order to create a zone of indistinction in which ‘pure potentiality and pure actuality are

indistinguishable', where sovereign power can realize itself as 'absolute actuality', and also 'maintain itself indefinitely, without ever passing over into actuality' (Agamben 1998, 47). Bare life is also caught in an analogous zone of indistinction, held in a state between potentiality and actuality 'through its division and its capture in the apparatus of the exception', making it 'a life that has been cut off and separated from its form' (Agamben 2015, 263). When produced through the sovereign decision bare life has no impotential, no opportunity to be otherwise – it is produced as *necessity* (Agamben 1999, 146-148), *forced* to be bare life that may be killed without consequence.

An understanding of the life subjected to biopolitics as that which may potentially be exposed to death has been central to the scholarship which utilises Agamben as a 'supplement to the Foucaultian frame' in order to focus attention on the tendency towards 'thanatopolitical drift' (Vaughan-Williams 2015, 7-8) within biopolitical forms of governance. As Dauphinee and Masters (2007, xiii) put it, it is the 'process of "desubjectification" – the construction of life as (potentially) bare life – that makes it necessary to read Foucault and Agamben simultaneously'. Bare life is therefore seen by such scholars as a *potential* condition 'produced immanently by sovereign power in a zone of indistinction between *zoē* and *bios*' (Vaughan-Williams 2009, 103), which gains force not only through the decision to expose some life to death but which wields power over life that *can* be killed, that *may* be killed, that *can* be exposed to death, that which it is *permitted* to kill, that has the *capacity* to be killed<sup>7</sup>. This means that the sovereign does not only wield power over life reduced irredeemably to bare life, but gains power over life *not* (yet) reduced to bare life due to its ability to *potentially* reduce life to bare life. The practices of indifference (Basaran 2015) and 'acts of omission' (Vaughan-Williams 2015, 45-68) which have led to thousands of deaths by drowning in the Mediterranean Sea can be seen from this perspective as a governance mechanism designed to limit and control the movement of people into Europe: what Vaughan-Williams (2015, 66-67) calls the 'thanatopolitical potential' of sovereign abandonment, which operates through the decision *not* to act, to abandon lives to the material dangers of the Mediterranean Sea.

The potential to reduce life to bare life therefore operates as a governing principle in this conception of biopolitics, as that which allows sovereign power to access the bodies of those 'politically-qualified' lives that are *not* reduced to bare life. Yet, in a structurally-similar manner to how the 'biopolitics of security' literature conceives of potential through the double meaning of uncertainty (as a potential productivity that simultaneously contains the possibility to disrupt, threaten or endanger life), the potential to be politically-qualified life is tied to the potential to be rendered as

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<sup>7</sup> For examples of Agamben framing his discussions of bare life in such terms see Agamben 1998, 8, 83, 88, 89, 125.

actual bare life that can be killed without consequence. Both these understandings of potential therefore see potential productivity or normality as inherently tied to potential danger or deviance, due to life's potential to always develop *outside* or be cast *beyond* the dictates of biopolitical governance. As stated above, I do not dispute the necessity of utilising such a double-sided vision of potential in order to understand its operation within biopolitical governance. What I *do* find limiting, however, is the emphasis that these literatures place on potential productivity or normality being something acted upon *through* the governance of potential danger or deviance, as this leads to analyses which over-emphasise exclusionary acts of securitisation or abandonment as the means through which productive interventions are made in the governing of migrant and refugee bodies and populations.

This focus on governing through potential danger or potential death means these conceptions are unable to provide a focused account of the potential of life as that which biopolitics seeks to *foster* or *draw out*. The next section will provide a means of focusing attention on potential as that which biopolitical technologies seek to guide and manage, by providing a framework for understanding the political calculations through which certain bodies are seen as potential targets for inclusion, rather than being subjected to securitisation or abandonment. Inverting the approaches taken in the 'biopolitics of security' and Agambenian literatures, I will view potential productivity or normality as the *focus* of biopolitical practices of incorporation, and not something only touched by practices that seek to guard against potential danger or govern through potential death; while viewing this as a potential to be included that exists *alongside* a potential to be *excluded* (something which marks this out as distinct from the sovereign production of bare life through the exhaustion of impotential). This change in emphasis will allow for critical analyses of the active incorporation of potential that is central to German migration and refugee policy. While biopolitical practices of exclusion and abandonment are necessary targets of critique, biopolitical governance is more pervasive than this, and must be identified in seemingly benign practices of inclusion such as those enacted towards migrants and refugees by the German government since 2015. As the next section will show, these policies utilise the potential normality and productivity identified in migrant and refugee bodies in order to undertake active policies of incorporation and inclusion that, while going beyond securitisation or abandonment, demand critical attention. I will therefore now further explore Agamben's ideas on potentiality in order to develop an understanding of potential as potential towards 'correct use', which will be deployed to illuminate and critique the biopolitics of German migration and refugee policy.

## Biopolitical incorporation and the politics of integration in Germany

As stated above, the 'open-door' policy pursued by the Merkel government can be seen as 'biopolitical' in that it provided for the biological safety of refugees and migrants by including them in political calculations about the socio-economic future of Germany. What this article argues, however, is that dominant understandings of biopolitics within IPS, which place emphasis in their analyses on how productive potential is secured by guarding against potential threat or danger (in the case of the 'biopolitics of security' literature), or by operationalising the potential to produce actual bare life as a governing principle (in the case of the Agambenian literature), cannot provide a fuller explanation of the biopolitics at play here beyond a simple identification of the inclusion of biological beings in political calculations. This is because the focus on threat, danger or death in these literatures means they lack an ability to analyse the specificities of the *potential value* of life targeted for incorporation or inclusion in political calculations. Migrants and refugees in Germany, both before and after the 'open-door' policy was enacted, have been viewed not simply as potential dangers or threats to be excluded or abandoned, but as potential workers, as potential contributors to the German economic and welfare system. The federal government in Germany has long recognised the contribution of migration in avoiding a skilled labour shortage in the context of an ageing population and declining birth rate (Vollmer 2015), and in mitigating the deficits in government income that such demographic pressures would otherwise produce. As a November 2015 report noted, at that time there was 'consensus among all the parties represented in the German Bundestag that migration is necessary to maintain prosperity', and a subsequent acceptance of the need for strong integration strategies to ensure migrant labour is utilised effectively (Vollmer 2015, 24). This section will argue that the biopolitics of this operation can only be understood if we have the means to analyse the role of potential in the *political practices of incorporation and inclusion* that have driven this policy. I will first argue that a reading of the final published instalment of Agamben's *Homo Sacer* series can provide the conceptual tools needed to recognise the biopolitics of these acts of incorporation, before illustrating this through an analysis of German migrant and refugee integration policy.

### *Potential as 'correct use'*

Agamben discusses the Aristotelian understanding of potential in *The Use of Bodies* both due to the ontological legacy of Aristotle's division between potential and act (as discussed above in relation to sovereign power) and the 'ethical connotation' (Agamben 2015, 6) of Aristotle's understanding of 'use'. This latter point arises because Aristotle argues that a 'correct use' exists for each potential capacity: if the potential capacity is for a single thing, then 'correct use' is to do that thing; if

potential capacity exists for several things, then ‘correct use’ is doing whichever is best of these (Agamben 2015, 26-27). Thus, for Aristotle, not only is act superior to potential, but the ‘best’ act is superior to other acts. Agamben (2015, 93-94) highlights this legacy of the ‘Aristotelian apparatus potential/act’ in order to deactivate it, in order to render potential and use ‘inoperative’. Agamben seeks to constitute a new form of use as an ‘inoperative praxis’, in which potential remains as ‘a potential of potential’, as ‘capable of its own potential (and therefore its own impotential)’, without the necessity of a sovereign decision to render potential into act. For Agamben this deactivation offers the means to resist the division of life into *zoē* and *bios* that biopolitics is founded upon, inaugurating a transformation of potential into the ‘form-of-life’ that Agamben (2015, 277-278) sees as the ‘properly human life’ which, ‘by rendering inoperative the specific works and functions of the living being, causes them to idle, so to speak, and in this way opens them to possibility’. Form-of-life is thus that which is not constituted by its mode of living or social conditions, but that which uses these modes without ever assuming their identities (Agamben 2015, 274), thus rendering inoperative the identities themselves, and never exhausting the potential to be (or not to be) that is immanent within this inoperative use of modes of living. I do not seek to make an intervention here into Agamben’s arguments on inoperativity<sup>8</sup>, or to engage in an Agambenian deactivation of ‘correct use’. Rather, I will highlight how the Aristotelian notion of potential’s ‘correct use’ that Agamben uses in his analysis can provide fresh critical insights into contemporary biopolitical governance, by focusing attention on the forms of life *produced* by *biopolitical acts of incorporation*, not the forms of life that are excluded or abandoned to death.

If politics transforms into biopolitics when the biological life of a population becomes tied up in political strategies, then the ‘correct use’ of bodies under logics of biopower is to live biologically in a manner which coincides with political imperatives. From the perspective of the ‘biopolitics of security’ literature discussed in the first section, this means the ‘liberal’ life threatened by life’s potential to become dangerous; for the Agambenian literature discussed in the second section, this is the ‘politically-qualified’ life tied in a relation of abandonment to bare life. What the above discussions have highlighted is how potential is configured in both accounts as simultaneously that which is to be promoted or protected and that which must be excluded or marginalised, in order to constitute that which is to be promoted or protected. Potential ‘correct use’ is thus only acted upon through the securitisation or abandonment of life which threatens or endangers ‘correct use’. There is no understanding in these literatures of how the potential ‘correct use’ of bodies is determined by logics of biopower, and no conception of potential as potential *towards* the ‘correct use’ of bodies.

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<sup>8</sup> For attempts to think through the process of transforming bare life into a ‘form-of-life’ in which potential remains inoperative, see Edkins and Pin-Fat 2005, and Vaughan-Williams 2009, 130-162.

Instead, potential is viewed through the prism of biopolitical acts directed towards securing or abandoning that which potentiality *threatens* 'correct use'.

If the 'ethical' or normative dimension that Agamben identifies in Aristotle's understanding of potential's 'correct use' is applied to biopolitical governance, we can open up opportunities to examine more than mechanisms which view life's potential as always tied to the potential to endanger the 'correct use' of bodies. This manoeuvre allows for an understanding of potential as potential towards 'correct use', on what the political determinants of 'correct use' are and on what forms of knowledge are produced through defining this 'correct use'. In other words, it provides the opportunity to highlight and critique the political practices which identify and delineate an understanding of 'correct use' which can then be encouraged to unfold and flourish through biopolitical technologies of power which act to draw out and direct potential towards a certain mode of living. When potential is conceived as the 'correct use' of bodies, a focus on active processes of *incorporation* and *inclusion*, and not just those of securitisation and abandonment, becomes essential. This requires an understanding of where the potential towards 'correct use' is identified, what life is seen as suitable for incorporation and on what grounds strategies of inclusion are undertaken. In other words, it requires a focus on the political practices through which certain ways of living are promoted by acts of incorporation and inclusion. The reconceptualisation of potential undertaken here therefore allows us to recognise, analyse and critique the practices through which biopolitics operates to manage and guide potentially disruptive life towards compatibility with biopolitical governance strategies. Examining a key legislative plank of Merkel's 'open-door' policy – the 'Integration Act', passed by the Bundestag in July 2016 – can help illustrate how this biopolitical process of incorporation is transpiring in Germany, as a biopolitical technology of governance operating on bodies seen as potentially compatible with the German population.

#### *The Integration Act 2016*

Migrant and refugee integration has been enshrined in German federal law since January 2005 through the Residence Act, which made provision for migrants and refugees to undertake extensive courses on the German language, and shorter 'orientation' courses focusing on German history, culture, and values (Federal Office for Migration and Refugees 2015). While over one million people started an integration course from 2005 to the end of 2015 (Grote, Müller and Vollmer 2016), there was a clear increase in enrolments in 2016, reflecting the higher numbers of refugees arriving in

2015 (Hoffmeyer-Zlotnik et al 2017). The Integration Act, which entered into force on August 6, 2016, therefore sought to update the integration offer in light of the influx of ‘incomers’<sup>9</sup> in 2015.

Hailed as a ‘milestone’ by Merkel when agreed by her coalition cabinet, the Integration Act aims to engender a ‘two-way process’ of integration, with the state being pro-active in offering opportunities while simultaneously placing obligations on new arrivals to take up these opportunities (Bundesregierung 2016). The two-way nature of this process was summed-up at the time by the Economic Affairs Minister Sigmar Gabriel in the dictum: ‘If you make an effort you can make it here’ (Bundesregierung 2016). This speaks to the type of subject the integration policies are seeking to produce, what ‘correct use’ of bodies these inclusion processes are aiming to create – mobile, resilient, self-sufficient and industrious. As activist Lucile Gemähling (2016) argues, ‘the integration law treats the concept [of integration] as more or less synonymous with a language level sufficient to access low- to middle-skilled jobs, and financial self-sufficiency’. As well as privileging those who take up the opportunities provided, the Act differentiates between asylum seekers with a good prospect to remain and those from ‘safe countries’ who are less likely to be granted permanent residence (Hoffmeyer-Zlotnik et al 2017, 20, 41, 53).

The Integration Act, in conjunction with increases in the federal budget, provides for the greater availability of German language classes and integration courses. The ‘orientation’ element was increased from 60 to 100 hours, and new short courses on orientation were introduced, to give asylum seekers with an unclear status the chance to gain initial knowledge of the German language and German values (Hoffmeyer-Zlotnik et al 2017, 53-54). The Act also loosened restrictions on access to employment, with the aim of providing ‘successful integration into society and into education, training, tertiary study and the labour market’ (Bundesregierung 2016). The complementary obligations introduced by the Act include requiring asylum applicants from countries with good prospects to remain, and those whose deportation has been temporarily suspended, to attend integration courses in order to retain access to benefit payments under the Asylum-Seekers’ Benefits Act (Federal Office for Migration and Refugees 2016). Those receiving such benefit payments may also be required to take low-wage employment under the ‘Refugee Integration Measures’ programme. While initial plans to create 100,000 jobs through €300 million of funding failed to attract enough demand, €60 million per year will be available to fund the scheme until 2020, and ensure that participants receive compensation of €0.80 per hour. This programme extends to refugees the so-called ‘one-euro jobs’ provided to welfare claimants, under duress of benefit sanctions, introduced by the 2005 Social Code Book II (Hoffmeyer-Zlotnik et al 2017, 41). The

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<sup>9</sup> To use the language of the Cabinet of Germany website (Bundesregierung 2016).

Act also gives Länder (regional governments) the authority to place refugees in, or ban them from, certain areas, in order to 'promote... sustainable integration into the way of life in the Federal Republic of Germany' and 'counteract segregation tendencies which might hamper integration' (Hoffmeyer-Zlotnik et al 2017, 38-39). Those working at least 15 hours a week or in training are not subject to this provision: an example of the beneficial treatment afforded to those taking up the opportunities provided. This tendency is also evident in the change in time period after which a permanent settlement permit may be granted: while for most 'incomers' this increased from three to five years, the three year period remains for those who possess 'a command of German... and [whose] subsistence is for the most part ensured' (Hoffmeyer-Zlotnik et al 2017, 39).

The inclusion of migrants and refugees into Germany through the Integration Act can therefore be understood as a biopolitical operation seeking to incorporate persons judged to have the potential to live productive lives within Germany. The policies contained in the Integration Act constitute the strategies and techniques which seek to unleash this potential, by offering language and skills training, employment and, ultimately, permanent residence, as well as instituting mechanisms to cut benefits and determine places of residence. Governance practices of incentives and sanctions are instigated as the potential towards 'correct use' is not seen as something that will necessarily unfold once the decision to incorporate has been made, but as something that must be guided and managed. A political end-point of integration is posited, providing a teleological framework of unfolding which attempts to direct potential 'correct use', but one that is dependent on specific political calculations. In this case, potential is produced by German government policy as the potential to be industrious and compatible with the German population; in other cases it may be the potential to be 'peaceful', 'tolerant', 'democratic', and so on. This undetermined conception of potential thus allows for the recognition, analysis and critique of the gendered, racialised and classed dynamics and distinctions that underline and enable the political calculations around potential 'correct use'. Furthermore, as a process this is never fully complete or fixed, meaning that the potential to integrate is always at the same time the potential to *fail* to integrate, and the potential to be compatible with biopolitical governance is always at the same time the potential to be *disruptive* of it. While this understanding therefore retains a double-sided conception of potential, in which the potential to be compatible is simultaneously the potential to be incompatible, this is distinct from the understandings of potential discussed above in two important ways.

Firstly, the potential to be incorporated is not divided from the potential to *not* be incorporated, meaning that this potential contains its own *impotential*, which is not exhausted in the decision to include this potentially-compatible life. This marks-out this understanding of potential as distinct



from that found in the Agambenian literature in which the impotential to be bare life *is* exhausted through the sovereign decision to produce bare life. The decision to integrate migrant and refugee populations must therefore not be seen as an exercise of 'sovereign' power in the Agambenian sense, as this impotential is not annulled through a decision to create an actual condition of 'included life'. While the conditional nature of this inclusion allows for a sovereign decision to detain or to deport to be undertaken (something which *would* exhaust the *potential to be included*), the decision to integrate must be seen through the lens of biopower, not sovereign power.

Secondly, the *form* of potential targeted by the biopolitics of incorporation marks it out as different from the conception of potential within the 'biopolitics of security' literature. Rather than the potential to be productive and the potential to be dangerous being tied together through the fundamental *uncertainty* of how life will develop, we have here a politically-determined understanding of what potential *could* unfold in a given context. Potential is therefore the potential to live according to certain politically-determined attributes (in this case, based around economic imperatives of training, employment and productivity and the possession of social and language skills, and shaped by wider gendered, racialised and classed dynamics), which are seen to exist *alongside* a potential to *fail* to live according to these standards. The difference here is not in terms of the double-sided nature of potential, or the potential to be productive existing alongside the potential to be disruptive, but in the *political* framing of what potential is *tending towards*. Potential towards 'correct use' thus allows us to analyse potential that is *expected* or *wanted*, and that governance strategies that seek to *draw out*, rather than making visible only the radically uncertain and unknowable potential of life that must be guarded against.

In this way, therefore, the 'incomers' to Germany are *governed* through their *potential* to be incorporated into the German population. They are made subjects of political regulations and controls on the basis that a potential to live worthy lives is seen as residing within them, a potential which allows for their acceptance into German society on the condition that they realise this potential through the right sort of application and hard work; while a simultaneous potential to be disruptive is recognised, and policies put in place to guard against this through corrections and sanctions designed to guide the potential in the right direction. This also allows us to understand why Merkel campaigned in the September 2017 federal elections on a platform which both defended her refugee and migration policy and accepted the task of integration, while simultaneously calling for a toughening of the rules around deportation of rejected asylum seekers, in part by loosening the definition of 'safe countries' to which failed asylum seekers could be

returned (Politico 2017)<sup>10</sup>. The drive to increase integration and *inclusion* thus proceeds alongside the threat of ultimate sanction and *exclusion*, revealing how the potential to integrate and live productive lives within Germany is intimately tied to the possibility of being deported due to a potential *failure* to integrate. The latter is the correlative of the former, however, and not the driving force of the policy. We have here a *political* calculation of potential, a *known* potential, a potential to live according to certain politically-determined attributes, and not a process of securitising life due to its inherent and *unknowable* danger, or of abandoning life beyond the registers of political belonging.

The potential seen to reside within the ‘incomers’ is thus what gives the German government access to their bodies and lives, what allows them to make offers of employment and benefits while simultaneously making demands on their working habits and their living conditions, and ultimately possessing the authority to deport them if this potential is seen as lacking or deficient. This ability of German authorities to wield these powers of direction and deportation, seen in the recent announcements that the German Interior Ministry intend to open mass holding centres across the country, in order to speed up deportations of unsuccessful asylum seekers (Oltermann, 2018), is one reason why the recalibration of potential within biopolitics undertaken by this article is so important. What this example shows is that, when the *impotential* to be included is not exhausted in the decision to include, such inclusion remains conditional and at the whim of political decision-makers, who may as easily enact the decision to detain or deport as enact the decision to integrate. Only when we can accurately diagnose the biopolitics behind this can we offer measured and well-targeted critiques of the manners in which potential is deployed in the governance of migrant and refugee lives. To paraphrase Foucault (1995, 29-30), we could say that potential is the ‘prison of the body’, a ‘correlative of a certain technology of power over the body’ which is simultaneously the product of this biopolitical incorporation and that which allows it to be actualised and inscribed onto the bodies of its subjects. This is not the exclusion or abandonment of potentially threatening life in order to safeguard the biopolitical regulation of a population, but a governing through potential, an incorporation and inclusion of bodies in order to ensure potential unfolds in a manner conducive towards, and not disruptive of, biopolitical governance. Recognising the biopolitics of this operation is the necessary first step in challenging this form of governing through potential.

## Conclusion

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<sup>10</sup> The legality of which under international refugee law has been strongly questioned by human rights groups (Michalski 2017). There have been over 20,000 persons deported per year since 2016 (The Local 2017).

This article has enacted a shift in the focus on potential within biopolitical analyses, away from an understanding which places emphasis on potential threat, danger and death, and towards a focus on the political acts of incorporation and inclusion that can be identified in contemporary biopolitical practices around migration and refugee governance. Through developing a new conceptualisation of life's potential as a potential towards 'correct use' that is targeted by governance practices seeking to incorporate life not currently subject to biopolitical governance, this article has produced an understanding of the biopolitics of the German government's 'open-door' migrant and refugee policy that the current literatures are unable to provide. This is a vision of potentiality which allows us to focus critique on biopolitical practices which do more than just defend populations from what is seen as threatening, or enact the governance of populations constituted through practices of exclusion and abandonment. Rather, it provides a means of analysing the productive practices of incorporation which seek to guide, manage and govern potential, working alongside practices of securitisation and abandonment to extend and deepen biopolitical governance beyond those already subject to it.

We therefore have here the means to analyse potential beyond the potential to become the life dangerous to biopolitical operations that must be secured, and beyond the potential to be rendered as the abject bare life subjected to sovereign control that can be killed without consequence. Instead, we have a conception of life's potential as that which is captured in relays of biopolitical management which seek to direct this potential towards a certain way of living, a way of living compatible with those relays of biopolitical management. This is a biopower which produces life not just as potentially threatening or dangerous, but also as potentially *compatible* with biopolitical governance. This is therefore an inherently *political* understanding of potential, one driven by political calculations of how populations can be made compatible with political strategies, and not on the inter-play between security mechanisms and scientific understandings of life's pluripotency. It can therefore be seen as putting the *politics* back into *biopolitics*, in a manner which opens up this politics to contestation. Furthermore, it is a political understanding of potential towards *life*, towards the guiding and management of life's potential, not the potential towards death advanced in Agamben's account of biopolitics as the sovereign production of abject bare life. In this way, it can be seen as putting the *life* back into *biopolitics*, and thus allowing us to recognise and contest the politicised accounts of life that inform and enable biopolitical practices of incorporation.

While the empirical focus of this article was on the 'German 'open-door' policy, this refashioning of biopolitics and potential can have wider analytical value beyond these specific cases. Firstly, and most obviously, this approach to potential opens up the possibility for a more extensive study of how this biopolitical incorporation is enacted through migrant and refugee integration strategies, in

order to gain further purchase on the political calculations made about which lives may be incorporated, and what strategies are put in place to guide and manage this potential compatibility. Secondly, this understanding of governing through potential can be extended to global governance and development policy, in order to examine these as biopolitical strategies aimed at drawing out the potential of populations to be incorporated and included within global economic and security governance. Productive connections could also perhaps be drawn between the complementary unfolding of these two processes on a global, regional, national and local level by analysing the biopolitics of the so-called 'migration-development nexus'.

This future scholarship would complement rather than supplant the already-existing literatures on these topics, by illuminating new manners in which logics of biopower can be seen to operate in contemporary global politics. The conception of biopolitical governance targeting potential towards 'correct use' must be seen to operate alongside the securitisation of potentially dangerous life and the potential production of death through sovereign acts of abandonment, and as providing another dimension to the construction of a population to be biopolitically governed through acts of exclusion and marginalisation. Biopolitical practices of incorporation are involved in a constant process of delimiting the mobile boundaries of inclusion/exclusion, constituting and reconstituting the borders between life with the potential to be compatible and that deemed potentially disruptive. It thus provides a threshold of analysis *between* the focus on exclusion and abandonment and on the governance of populations already included in biopolitical strategies, adding another layer to the constitution of the population to be governed biopolitically through acts of inclusion and exclusion. Finally, while this biopolitical incorporation constitutes a teleological process which attempts to constrain the unfolding of potential towards the political goals of incorporation and inclusion, future research must always retain a focus on how this process necessarily fails as the potential of life exceeds and escapes its capture and governance through potential.

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